IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3640 OF 2005
IN
CRIMINAL APPEAL NO. 765 OF 2003

Sandeep Haribhau Satamkar .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mrs. Achla Saxena for the applicant.
Mr. S.S. Pednekar, APP for Respondent-State.

CORAM: S.S. PARKAR & ANOOP V. MOHTA,JJ.

Date : August 23, 2005.

P.C.:

1. This application is made by the applicant - original accused no.11 for his discharge in C.R. No.7 of 1991 and for his release on bail pending the appeal.

2. The applicant is convicted, inter alia, for offence under Section 302 of IPC along with other accused persons. His appeal, filed along with other convicted accused, is admitted and pending in this court. This application is made claiming that the applicant was below 18 years of age at the time of commission of offence and, therefore, was a juvenile offender. In support of the application, school

leaving certificate is produced showing his birth date as 5/11/1974. The offence was committed on 13/2/1991. On behalf of the respondent-State time was taken by the APP previously to verify the age of the applicant-accused. Accordingly, the APP appearing for the State states that at the time of the arrest of this applicant on 27/2/1991 he was 17 years and 8 months old. In view of the above, the prayer for bail can be granted at this stage. The prayer for discharge or his being dealt with under the provisions of Juvenile Act can be considered at the time of hearing of the appeal. A xerox copy of the school leaving certificate is annexed at page 11 of this application.

3. In the result, the applicant is directed to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the amount. The application is disposed off accordingly.

(S.S. Parkar,J.)

(Anoop V. Mohta,J.)